

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY BAYAD)	
Plaintiff/Appellant)	
)	
v.)	CIVIL ACTION
)	No. 04-cv-10468-PBS
)	
JOHN CHAMBERS, PATRICIA)	
RUSSO, ANTHONY SAVASTANO)	
and CARL WIESE,)	THE HONORABLE JUDGE PATTI B. SARIS
Defendants/Appellee(s).)	

NOTICE OF APPEAL AS OF RIGHT
(ATTACHED HERETO IS THE REQUIRED FEE)

(TO DISCRIMINATE IS TO MAKE A DISTINCTION, TO MAKE A DIFFERENCE IN TREATMENT OR FAVOR, AND THOSE DISTINCTIONS OR DIFFERENCES IN TREATMENT OR FAVOR WHICH ARE PROHIBITED. . . , ARE THOSE WHICH ARE BASE ON ANY FIVE OF THE FORBIDDEN CRITERIA: (1) RACE, (2) RELIGION, (3) NATIONAL ORIGIN, (4) GENDER, and (5) HANDICAP. . .)

Notice of appeal is hereby given as matter of right that Plaintiff Anthony Bayad in the above-captioned, [case 04-CV-10468], hereby appeals from the deprivation of his constitutional rights and appeals from the two racist reports and recommendations of Chief Magistrate Judge Marianna B. Bowler, served on about May 27, Memorial Weekend that all Muslims and Arabs even there are Arabs Jews, Arabs Christian, Arabs Catholics Arabs Hindu, Arabs . . . , all these U.S Citizens of this land are all terrorists for the eyes of the Chief Magistrate Judge Marianna B. Bowler, an officer of the Court, took and Oath under God to Protect the United States Constitutional, but ignored

her duty and has committed fraud on the Court for gain and racial Bias (racist), has committed treason of her duty to the American People and to the United States of America, the land of the Free and the brave, the land of World advocate of Human rights and justice for all races under God - under the rules of law. It is a shame. Now the [record] point out that the Honorable district Judge George O'Toole, man of honor and justice for all litigants who enter his court room, has distance him self from the above caption matter and has recused himself according to the U.S. Judicial Code , also [the record] concluded that another Honorable district judge a person of honor and integrity, a family person , could not recuse herself and could not act under the law, because the court are aware of what Magistrate Judge Marianna B. Bowler has done with her buddies the attorneys, and these Honorable district judges, Honorable judge Sarris and Honorable Judge O'Toole understand that the best course of action of this case should be dealt with in the United States First Circuit of Appeals, and that what [we] are going to do. Therefore this appeal is pursuant to First Circuit Appeal Court Rules of Appellate Procedure, in particular Rule 3, to United States Court of Appeals First Circuit. This appeal has a record that contains fraud committed upon the district Court where the United States Chief Magistrate Judge Marianna B. Bowler and her friends the Attorneys for the record, whom are all racists, took the advantage of Plaintiff Bayad an Arab of race, designed their white ticket to obtain from the United States Chief Magistrate

Judge Marianna B. Bowler " la carte Blanche" that do not allow discovery to be accomplished nor depositions to be taken by outside aid counselor - nor any subpoena(s) were provided - nor any direction by the United States Chief Magistrate Judge Marianna B. Bowler to accomplish any discoverable or any verification of any evidence - nor any compliance with any rule of law and this include the First Circuit **Rule 26** of Civil Procedures - and she granted them every thing they wanted and denied every thing provided by the Plaintiff an Arab of Race, and [they] staged 3 preliminary discovery hearing to show the records that [they] have done some thing with the Monkey as the Defendants have called Plaintiff Bayad, as the U.S. Magistrate Judge Bowler has referred to him as Blackie- for Sand Niger and Seaboard Surety for Banana Boat, it is likewise defendants have called him Blackie - Dirty Arab- Flying Carpet as they called him dirty Arab- Sand Niger. It is a shame because this case is a reoccurrence of an act that is a deja vue in the book of law and cannot be once again tolerated, when the same Defendants once again back in the year of 2000, where they were in violation of Plaintiff Bayad federally protected civil rights while reporting to them during his employment at Lucent Technologies, when the law suit was once filed naming them Defendants in the United States district Court 11th Circuit Fort Lauderdale, where the law was bought.

Additionally, the record contains that the United States Chief magistrate judge Marianna B. Bowler did not perform her judicial function - thus impartial of the Court have been directly corrupted. The people of Illinois vs. Fred Sterling, 357 III. 354, 192 N.E. 229 (the maxim that fraud vitiates every transaction into which it enters applied to judgment as well to contacts and other transaction). Further, Plaintiff Bayad has advised in EX-PARTE correspondence See the sealed Docket Entry No. 84 that **(1)** her Clerk Diannalynn Saccoccio, after tampering with Plaintiff Bayad' evidence and his court document and the main docket, thereafter she decided to take off to work elsewhere as she is no longer with the Clerk of U.S. Chief Magistrate judge Bowler, nor she works anywhere at district Court at this time. However, Diannalynn Saccoccio found out that the Honorable District Judge O'Toole has recused himself from the Plaintiff Bayad ' case, and when she was caught in constant communication with the attorney Bruce Falby for Defendants, where both have a common love or like of the Country of Greece, where such attorney always travels to it and both have common hate of Muslims in Cypress, Diannalynn Saccoccio has left but she did not get fired from her job at district Court, because respectfully the white people do not fire their own kind, they promoted them , and only fire minorities. Hence, when the complaint survived the motion to dismiss filed by these defendants. Plaintiff Bayad found that his case was referred to

Chief Magistrate Judge Bowler, who plaintiff Bayad knew her friends, in good faith initiated an EX-PARTE correspondence to the Magistrate found in sealed Docket Entry No. 84, Plaintiff Bayad advised her that **(2)** her friends are also his friends and this include her personal hair dresser and others. However such good faith communication Plaintiff Bayad was expecting the Chief Magistrate at that time, who has legal duty to disqualify her self even if there is no motion asking for her disqualification. See Taylor vs.O'Grady, 888 F. 2d 1189 (7th Cir.), the Seventh Circuit of Appeals and the First Circuit appeals have stated : (28 U.S.C. Section 455(a) of the Judicial Code)

"[We] think that this language 455 (a) imposes a duty on the judge to act Sua Sponte, even if no motion or affidavit is filed ."

Hence the Honorable District Judge George O' Toole proceeded with the language of the 455 (a) and recuse him self, but, unfortunately the Chief Magistrate judge Marianna B. Bowler refused to disqualify her self as she did not recuse herself from the case as she did not, therefore the Chief Magistrate Judge has violated the right of the due process clause of the United States Constitution and it is called criminal act of treason. See United States vs. Sciuto, 521 F. 2d 842, 845 (7th Cir.1996) (" the right to tribunal free from bias or prejudice is based, not on 28 U.S.C. Section 144, but on the Due Process Clause."). However the United States Chief Magistrate Judge is

not the Court but an officer of the Court paid by the U.S. Government to act impartial and lawfully. In People vs. Zajic, 88 III App. 3d 477, 410 N.E. 2d 626 (1980).

"We define Fraud upon the court is which is directed to the judicial machinery itself, and is not fraud between the parties or fraudulent documents, false statements or perjury. It is Fraud where the Court Member and officer of the Court, paid by the federal government, is corrupted or influenced or influence is attempted or where the Chief Magistrate Judge Marianna B. Bowler (and her friends the attorneys) for the records has not performed her judicial function; and, thus was impartial functions of the court have been directly corrupted. In Bulloch vs. United States, 763 F.2d 1115, 1121 (10th Cir. 1985; further the embrace that species of fraud which does, or attempts to, defile the Court itself, or is a fraud perpetrated by officers of the Court so that the judicial machinery can not perform in the usual manner its impartial tasks of adjudging cases that are presented for adjudication. See Kenner vs. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practices, 2d ed., p. 512, ¶ 60.23., and the decision produced by fraud upon the Court is not in essence a decision at all, and never become final. "

DISCUSSION

Federal Rule of Civil Procedures, Rule **60 (b)**, of District Court (1st Cir.), pertains in part and provides in part that Court may relieve a party from judgment when there is newly discovered evidence which by due diligence could not have been discovery (when discovery was denied) in time to move for a trial under Federal Rule of Civil Procedures, Rule **59 (b)**, - Federal Rule Civil Procedures, Rule **60 (b) (2)**, or where there is misconduct or fraud , Additionally the maxim that fraud vitiates every transaction into which it enters applied to judgment as well to contacts and other

transaction), and Fraud committed upon the Court, the reports and recommendations, and any orders and judgment issued by this District Court, none of them it would appear to be valid, it would appear they are void as a matter of law, and are of no legal force or effect, and all relief of all claims under Rule 60 should be granted or as deemed and appropriate by this honorable Court.

ARGUMENTATIVE STATEMENT(S)

It is concluded that when the U.S. Chief Magistrate Judge Marianna B. Bowler finished what she was doing with Plaintiff Bayad ' case, thereafter she referred the case back to the Honorable district Judge O'Toole, who reviewed the case and found misconduct and fraud on the Court, found that Chief Magistrate Judge Bowler has duty to disqualify herself but did not, therefore the Honorable District Judge O'Toole recused him self from the case accordingly to 28 U.S.C. Section 455(a) of the Judicial Code. Thus the court was left hand tied, without authority or jurisdiction over it officer Chief Magistrate Judge Bowler (an officer of the Court and employee of the United States government)- and the attorneys whom have orchestrated the whole ordeal - the fraud, whom brought their unlawful plan to this litigation that was approved by the Chief Magistrate Judge Bowler. However, it has been said " when the government is unable to enforce the law because the conduct of its officer[s]- agent[s]- or employee[s] gave rise to an estoppel, the interest of the citizenry as whole in obedience to the rule of law is undermined" , and laws not enforced cease to be laws, and rights

not defended may wither away.' (Thomas Moriarty), and ... the first duty of our society is justice." (Justice Potter), and all that is required for the triumph of evil is for good men to do nothing." (Edmund Burke), and " Justice - the hope of all who suffer, the dread of all who wrong." (John Greenleaf Whittier). Thus, the law of this land and in particular the United States Federal Law clearly states, when officer[s] of the Court as the Chief Magistrate Judge Marianna B. Bowler and her friends the attorneys have committed " fraud upon the Court", the Report[s] and recommendation[s] or the order[s] and judgment[s] of that court as the district Court are avoided, of no legal forces or effect, and none of the decisions- opinions-and the orders issued by any judge of such Court would appear to be valid, it would appear they are void as a matter of law, and are of no legal force or effect, and what the Chief Magistrate judge Marianna B. Bowler and her friends the attorneys have done in this above caption matter and to the Bayad Family as whole is (1) disgraceful to the United States Constitution and to the Civil Rights Law, when she stated in her reports and recommendations that Plaintiff Bayad an American from Morocco - an Arab of Race that "he is not entitled to any relief under the law and the Court sympathized with him", such discriminatory sarcasm statement is against the law and it is against the ethics of the U.S. District Court of the First Circuit, and the same reports and recommendations of hers were served to

Plaintiff an American Arab of race on discriminatory ground and on defamation ground - deprivation of rights - and wrongful condemnation based on race, when serving her reports and recommendations intentionally on Memorial weekend, May 27, 2005, to portray Plaintiff Bayad and his family and similar minorities as Terrorist[s] as it is a shame, sickening - threatening - racist - criminal - harassing and intimidating. That is absolutely not the right way to show patriotism, when we are all Americans, but the Chief Magistrate believed only whites Race are Americans. Such very same racist Reports and Recommendations of hers that was criminally served on Memorial weekend, May 27, 2005, where the Chief Magistrate of this Court intentionally used discriminatory names of case law Blackie-Blackie, , as she was proudly referring to plaintiff Bayad an Arab of Race as Sand Niger - Dirty Arab- Flying Carpet - like wise as the defendants in this litigation have called him Blackie - Sand Niger- Dirty Arab - Flying Carpet and they admitted to it, she also in such racist reports and recommendations again referred to Plaintiff Bayad as Banana Boat- Banana Boat when she used the case law a French name - Seaboard Surety - Seaboard Surety portray the Plaintiff Bayad to the Dry Foot and Wet Foot for the Spanish The men and women of the Cuba and the African as Plaintiff Bayad the Banana boat when they cross " sure le radau " - " la planche a la mere" ("the board on the Sea" in English) - where the immigrants of North Africa as Bayad are called in Southern French, the French Riviera - Monaco- Nice- cote Dazur . . . , where she probably

vacationed and she is aware of the meaning of the seaboard surety meaning the banana boat Moroccans- les pieds noir. Again, in such racist Reports and recommendations, she used case laws with names "National Amusement" and "Whitman" as she was exchanging words of jokes as a way of communicating with her friends attorneys for the defendants, that is telling them that it is a National Amusement that an Arab thinks he is going to sue and get rights in my Court against my people the "Whitman", also such word Whitman was found in case law in her racist reports and recommendations, and that such Plaintiff Bayad a terrorist is suing my people the White race superior. It is a shame when the list goes on and on . . . , The record speaks for it self as it contains all the facts. Again, what the Chief Magistrate Judge Bowler and her friend the attorneys have done in this litigation - (2) it is an act of conspiracy against plaintiff Bayad and his family ' right as defined under Title 18 U.S.C., Section 241, and Deprivation of right under color of law as define Title 18 U.S.C., Section 242, when her friends the attorneys as the other attorneys of Defendants Patricia Russo have done in Florida, [they] directed her (the Magistrate Judge bowler) to personally used the United States Marshal of this court at the expense of the tax payer and at the expense of this Court, to personally run a thorough criminal background check on Plaintiff Bayad and his Family , an act in similarity that is appraised no more or less than of the US Marshal Mr. Anthony Dichio, have done

when he shopped in Westford at 1:23 p.m. on Oct. 13, 2005, and it is of this honorable Court to draw its own conclusion as to why she also directed the U.S. Marshal of this court to interview her friend[s] also Plaintiff Bayad ' friends, and her personal hair dresser also Plaintiff Bayad ' friend , this include other[s]. See the record filed with the United States Marshal of this Court; However, the record contains and speaks for it self, that when she did not find any dirt on the Bayad family, in particular Plaintiff Bayad, that is too bad, and the only thing that she found, was an old record of Plaintiff Bayad ' brothers dated the year of 2001 - 2002, she collectively with the attorneys called her buddies at the homeland security, the I.C.E, to move of an arrest at the Airport on Plaintiff Bayad' brother upon his return from Europe, [they] illegally confiscated his belonging, as [they] did not have any legality under the law to move of an arrest on U.S Citizens at the airport, as they did not have rights to ordering him to go home and to come back in 15 days- without a Court warrant, but that was their plan , the plan of the United States Magistrate Judge Bowler and her friends [the attorneys] had setup and had in mind, have planed and hoped for, as [they] wished that Plaintiff Bayad 's Brother will fail to comply with their unlawful command - and not to return as he was told , but he returned to the airport as he was told. [we] like to point out that incase the Plaintiff bayad ' brother decided not to return to that airport, as [they] were looking to dispatch the Federal Agent of the I.C.E to throw a visit

to Plaintiff Bayad ' family and storm their houses at 4 O' Clock, as the Nazi German Gestapo used to do to their Jews citizens, to be incarcerated indefinitely as they are doing right now to [us]- to Plaintiff Bayad' brother as way to send a clear message to the family, as mean of punishment and to deprivation - as mean to scare and to intimidate - as mean to inflict emotion distress on the elderly parent and the family Arab of race, the Moroccan, the Terrorist in the eyes of the Chief Magistrate Judge Bowler. This misconduct is unlawful one and is a sickening one, and it is Comprehended that minorities African American[s], Arab American[s], Spanish American[s], and list goes on and on, that they dare sue white person[s] or challenge any white person[s] in the Court room of the United States Chief Magistrate Judge Marianna B. Bowler, when her buddies, the attorneys, are loosing a case to an Arab, a second citizen of this land, who is proceeding Pro Se; it said : You dare You the second citizen of this land to challenge her or her charity parties , the buddies, the attorneys; you and your family will be given a docket No. 911, [your] picture[s] will be posted on the wall of her Court as the most wanted person of this land, [you] or your [family] will be incarcerated indefinitely as they are doing right now [to my brother], and then you **Monkeys** [the Bayad Family] will be deported to the main land, the Bayad Family the Moroccan - the Arab of Race, as the defendants in particularly Anthony Savastano known as the Italian, who traveled personally from his

office located in California to Tampa Florida, to visit Mr. Amado Navas, who report to him and told him " to tell that Monkey (referring to Anthony Bayad the Plaintiff) that his days are numbers and that his Friend Lynn Fraser (Plaintiff Manager) will take care of him and that he (the Plaintiff Bayad) need to go where he came from. Laughing." See case pending at First Circuit of appeal , case No. 06-1201, ¹ The only analysis and conclusion of this misconduct and deprivation of rights based on race, is more less comprehended, that the magistrate judge has strong racial bias against African Americans and Arab Americans and Spanish Americans, when the record speaks for it self contains that she intentionally denied even the review of the Spanish Witness Mr. Amado Navas, who has provided his declaration under oath administered under the supervision of a sworn public Notary , stated his words under the pain and perjury as he has witnessed the physical torture and the mental torture executed upon Bayad while working with these defendants at Lucent Technologies, using Nazi Gestapo style punishment, taking advantage of their authority and confined him (plaintiff Bayad) illegally, and against his will in prison that later changed their mind and transferred him in Prison Hospital and detained him under the Backer Act very known act in Florida used against minorities, who dare to challenge the Florida police.

¹ **The Doctrine of Estoppel** emerged as tool to fight injustice, and it is one of fundamental justice . . ." Court have gone a long way in applying manifest injustice and wrong", Scott County vs. Advance-Rumeley Thresher Co., (CA8) 288 F. 739, 36 ALR 937).

However, Mr. Amado Navas has witnessed with his eyes and his ears, what these Defendants have done to Plaintiff Bayad once at Lucent Technologies Inc. (1) Tampa Florida the record contains, it speaks for it self, again the same defendants for the second time proceeded on discriminatory ground at (2) International Services Inc., Fort Lauderdale Florida, also the record contains and it speaks for it self, and Now, again the same defendants at Cisco Systems Massachusetts (3) orchestrated the same Nazi German Gestapo treatment when Plaintiff Bayad failed to sign their obscured corporate document designed to implicate him or frame him of some things that he did not do, but this time plaintiff did not end up head first carried by his hair from the second floor to corporate fountain, because he complied with all their demands and signed whatever they demanded, and the last time Plaintiff recall not cooperating and challenging them he was tortured Nazi German Gestapo style. It is a shame, that the Chief Magistrate Judge Bowler stated in the record that " Plaintiff Bayad is not entitled to any relief under the law and she sympathize with him". Moreover , going back to the above caption matter, that in McLaughlin Transportation Systems, Inc vs. Barbara Rubinstein, Civil case No. 03-11545MBB, Chief Magistrate Judge Bowler presiding ordered, by stating in page 18 in such case that:

" . . . all reasonable inference must be made in the light most favorable to the non-moving party. Barbour v. Dynamics Research Corp., 63 F. 3d. 32, 36 (1 St^t Cir.)"

Thus, such right(s) was given to all white litigants by the

Chief Magistrate Judge Bowler as stated in her ruling, but was denied to Plaintiff Bayad , who has called him Blackie for Sand Niger, Seaboard for Banana boat, and served her racist reports and recommendations on May 27, 2005, the memorial weekend, portraying Plaintiff Bayad an American as terrorist killing American solders, and that " he is not entitled to any relief under the law and she sympathized with him", and record contain and it speak for it self that she openly stated at second hearing when Plaintiff Bayad ask her for discovery rights she replied " I don't care" and that she will not allow as she put it the defendants the " Whitman" and " National Amusement" that she will not allow them to be depose even with outside aid - counselors as an advisor only for the purpose of discovery, also she could assign such counsels at the expense of the defendants whom are rich - well connected- and white, also it is a shame and degrading when [they] desperately staged 3 preliminary discovery hearing to show for the record that [we] have done some thing here with this, **the Monkey**, Bayad , when indeed the fact proved these 3 staged preliminary hearing are jokes and undermining the law of the civil rights and undermining the citizenry as whole, and undermining the integrity of Justice. It is a shame. However, the Magistrate judge Bowler has duty under the constitution to provide all minorities including Arab America as Plaintiff Bayad the right of " due Process" found in the Constitution and it is guarantee by the Constitution - in particular the Fourteen

amendment, Section 1 reads in part and explain in part:

" Section.1. All person born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law which abridge the privileged or immunities of citizens of the United States; nor shall any State deprive any person life, liberty, or property, without " due process" of law; nor deny to any person within its jurisdiction the equal protection of the laws."

As the record summarizes, it speaks for it self, contains that Plaintiff Bayad was intentionally deprived of his basic rights found in the United States Constitution, the right of due process, the rights that Congress put in place banning discrimination and hate crimes, but the records provides these laws were not secured and and that none of these laws were enforced to protect the integrity and rights of the minorities as matter of law , even the depriving officer of this Court, who is aware and knows that these misconduct and fraud has consequences as they are in violation of the United States Constitution and in violation of Plaintiff Bayad Federally Protected Civil Rights, and knowingly the United States Attorneys ' office is on the 9th and knowingly there is an appeal panel of Honorable judges who may found out about this fraud committed on the Court, simply because the Plaintiff in this litigation is an American of Arab of race and Terrorist in the eyes of the Chief Magistrate Judge Marianna B. Bowler. Furthermore even though the rights of Due Process was not provided, the record contains that Plaintiff Bayad absent of discovery as matter of right (denied), the right to obtain subpoena(s) as matter of right (denied),

the right to provides his witnesses ` affidavit[s] under oath (denied), and was left deprived of his rights or any other means as proscribed by law, but those rights are only put in place respectfully for one race only, the race that are chosen by the United States Magistrates Judge Marianna B. Bowler, the white race litigants. In light of all the forgoing deprivation of rights, Plaintiff Bayad maintained the burden of proof with concrete evidence and affidavit of witnesses that was not considered, because the Plaintiff Bayad' witness(s) are Spanish, established his prima face case as proscribed by law of Civil Rights and the law of Employment Discrimination, then burden shifted to the defendants to provide legitimate, non discriminatory reason for its actions; and this a burden of production , not persuasion, the record contains they failed. Furthermore, the Chief Magistrate Judge bowler was aware and was advised by Plaintiff Bayad that the moving party the defendants have not established with such clarity as to leave no room for controversy. Id quoting Snell vs. United States, 680 F.2d 545, 547 (8th Cir.); and 459 **U.S.** 989, 103 S.C.T. 344, 74 L.E.d 2d 384(1982), and further the Attorneys for the defendants have at different times, gave different and arguable inconsistent explanations in this above caption matter and for discriminating against Plaintiff Bayad, such inconsistency of arguments and explanations will allow Jury to infer that articulated reason for their clients action are pretext for race discrimination.

See Dominguez-Cruz vs. Shuttle Caribbean, Inc. 202 F. 3d 424, 431-

32, (1st Cir. Judge O'Toole), additionally the Chief Magistrate Judge Bowler did not allow plaintiff to show Defendants past practices manifest a pattern of . . . discrimination even though her Court has found that " plaintiff[s] as Bayad should be permitted to show that defendants ' past practices (Lucent Technologies Fort Lauderdale 11th Circuit) manifest a pattern of discrimination." Jackson vs. Harvard, 111 F.R.D. 472, 474 (D.Mass.1986) (Guarrity D.J); see e.g. Scales vs. J.C. Bradford and Co., 925 F.R.D. 901, 906 (6 th Cir. 1991) (" it is well settled that information concerning an employer' general employment practices is relevant to Title 42 U.S.C. § § Title 1981 and 1985 - in similarity as title VII. "); and United States vs. Massachusetts Indus. Fin. Agency, 162 F.R.D. 410, 413 (D. Mass 1995) (" Evidence of how other organizations (Lucent Technologies Florida) treated {Plaintiff} is relevant termination of intentional act of discrimination..."); and McGrath vs. Nassau County Health Care Corp., 204 F.R.D. 240, 245 (E.D.N.Y 2001). Hence we let this honorable Court to draw its own conclusion when others are respectfully given the red carpet by Chief Magistrate Judge Marianna B. Bowler; and when the record contains and speak for it self that the Magistrate Judge Bowler has openly picked and chose Plaintiff Bayad ' s direct Evidence, on discriminatory ground ignored passed on all of them without justification reason as matter of law, where the weighting of the evidence, the record contains,

and drawing of legitimate inference from the facts are [their of fact] function, not the opinion of her friends attorneys, whom introduced only opinions and formalities in their arguments, was not sufficient for purpose of granting such discriminatory [two reports and recommendations]. Trinsey v. Pagliaro, D.C. PA. 1964,229 F. Supp. 647. and the evidence of Plaintiff Bayad the nonmovant is to be believed, and all the justifiable inferences are to be drawn in his favor, nor any one suggest that the Magistrate Judge Bowler should has acted than with caution in Civil Rights case in granting favor and allowed defendants ' motion , that was allowed prematurely without proper time allowed for discovery, such action is a racist, where both Magistrate reports and recommendations, the two of them were decided through the use of circumstantial evidence a task peculiarly within the province of the Jury. Further plaintiff Bayad would like to point out what is most disturbing is when she allowed only the Declaration of the Defendants all whites and very rich and very connected - and denied only Plaintiff Bayad ' declaration provided likewise under the same legal matter and signed like wise as them, and there was no sworn affidavit(s) under oath administered by a public Notary as them or sworn affidavit administered under their Lawyer as them , there were none, but the Magistrate Judge Bowler stated in her both Reports and recommendations that they were sworn, as they were not, because the only litigants, is Plaintiff Bayad , who provided affidavit of his witness only sworn affidavit of Mr. Amado Navas a Spanish of race

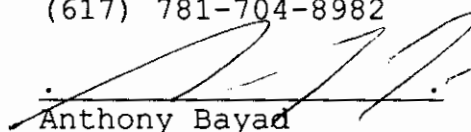
race, Mr. Amado Navas, but the Magistrate Judge ignored it because she has problem with Spanish and all other declaration of white witnesses were loved and appraised , even though they were signed likewise signed under the pain and perjury as the Plaintiff Bayad and absolutely not under oath, not under of any Public Notary , the record speaks for it self, and motions in protest of her misconduct and abuse of power, are all pending as the records speaks for it self, and every steps that she took in this litigation was caught and was promptly objected timely matter accordingly to the rule of the Court and the rule of the law, and it is left for this honorable Court to draw its own conclusion as to what is going on here? [Because] " The purpose of Law is to prevent the strong from always having their way." (Ovid)

Conclusion

At last, the Chief Magistrate Judge Bowler had duty under the law to disqualify her self "**Sua Ponte**" as matter of law and she did not, but failed such duty under the law, she was aware that she needed it to recuse herself at beginning of the first stage of the preliminary hearing when the case was just referred to her for discovery only matter and management, therefore she did not and it is a fraud committed upon the Court, therefore the reports and recommendations, and any orders and judgment of this Court issued by this District Court, none of them it would appear to be valid, it would appear they are void as a matter of law, and are of no legal

force or effect, and relief under Rule 60 should be granted or as deemed and appropriate.

RESPECTFULLY SUBMITTED
ANTHONY BAYAD
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Anthony Bayad

CERTIFICATION OF SERVICE

It is hereby certify that a true and correct copy of the forgoing notice of appeal of the final ruling served to me on February 24, 2006 of above caption matter in Chambers et, al., was furnished on this 27 day of February the year of 2006 via mail to :

1) Cisco Systems Inc.

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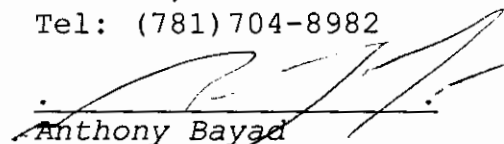
2) Lucent Technologies Inc.

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